

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE, U.S. DEPARTMENT OF COMMERCE (REV. 12-2004)

ATTORNEY'S DOCKET NUMBER

H 2293US

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/510,353

INTERNATIONAL APPLICATION NO.

PCT/EP03/03551

INTERNATIONAL FILING DATE

04, April 2003

PRIORITY DATE CLAIMED

05, April 2002

TITLE OF INVENTION

METHOD AND DEVICE FOR OPTIMIZING THE ORDER OF ASSIGNMENT OF A NUMBER OF SUPPLIES TO A NUMBER OF DEMANDERS

APPLICANT(S) FOR DO/EO/US

HOFFESOMMER, Klaus

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:
  1. Copy of Notification of Missing Requirements; and
  2. Petition for Extension of Time Under 37 CFR 1.136(a).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |            |                          |            |
|--|--------------|--|------------|--------------------------|------------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.  |            | ATTORNEY'S DOCKET NUMBER |            |
| 10/510,353   |              | PCT/EP03/03551   |            | H 2293US                 |            |
| 24. The following fees are submitted:  |              |  |            | Applicant use            | Office use |
| <input type="checkbox"/> a) Basic national fee . . . . . \$300.00  |              |  |            | \$                       | \$0.00     |
| <input type="checkbox"/> b) Examination fee . . . . . \$200.00   |              |  |            | \$                       | \$0.00     |
| <input type="checkbox"/> c) Search fee . . . . . \$500.00  |              |  |            | \$                       | \$0.00     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b> \$1000.00   |              |  |            | \$                       | \$0.00     |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |              |  |            |                          |            |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE       |                          |            |
| - 100 =  | /50 =        |  | x \$250.00 | \$                       | \$0.00     |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |            | \$                       | \$130.00   |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE       |                          |            |
| Total claims   | - 20 =       | 0  | x \$50.00  | \$                       | \$0.00     |
| Independent claims   | - 3 =        | 0  | x \$200.00 | \$                       | \$0.00     |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |            | \$                       | \$0.00     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |  |            | \$                       | \$130.00   |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |            | \$                       | \$65.00    |
| <b>SUBTOTAL =</b>  |              |  |            | \$                       | \$65.00    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |            | \$                       | \$0.00     |
| <b>TOTAL NATIONAL FEE =</b>  |              |  |            | \$                       | \$65.00    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |            | \$                       | \$40.00    |
| <b>TOTAL FEES ENCLOSED =</b>   |              |  |            | \$                       | \$105.00   |
| Amount to be refunded:   |              |  |            |                          | \$         |
| Amount to be charged:  |              |  |            |                          | \$         |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.   |              |  |            |                          |            |
| b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>03-1030</u> in the amount of <u>\$105.00</u> to cover the above fees. A duplicate copy of this sheet is   |              |  |            |                          |            |
| c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-1030</u> . A duplicate copy of this sheet is enclosed.                                |              |  |            |                          |            |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.               |              |  |            |                          |            |
| <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  |              |  |            |                          |            |
| SEND ALL CORRESPONDENCE TO:  |              |  |            |                          |            |
| Gerald E. Hespos   |              |  |            |                          |            |
| Customer No. 001218  |              |  |            |                          |            |
| CASELLA & HESPOS LLP   |              |  |            |                          |            |
| 274 Madison Avenue - Suite 1703  |              |  |            |                          |            |
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| Tel. (212) 725-2450 Fax (212) 725-2452   |              |  |            |                          |            |
|  |              |  |            | SIGNATURE                |            |
|  |              |  |            | Gerald E. Hespos         |            |
|  |              |  |            | NAME                     |            |
|  |              |  |            | 30,066                   |            |
|  |              |  |            | REGISTRATION NUMBER      |            |



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/510,353                  | Klaus Hoffesommer     | H 2293US         |

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| INTERNATIONAL APPLICATION NO. |
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PCT/EP03/03551

|                 |               |
|-----------------|---------------|
| LA. FILING DATE | PRIORITY DATE |
| 04/04/2003      | 04/05/2002    |

001218  
 CASELLA & HESPOS  
 274 MADISON AVENUE  
 NEW YORK, NY 10016

**DOCKETED**  
 5/21/05

CONFIRMATION NO. 8385

371 FORMALITIES LETTER



\*OC000000015520280\*

Date Mailed: 03/21/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/05/2004
- Copy of the International Search Report filed on 10/05/2004
- Preliminary Amendments filed on 10/05/2004
- Small Entity Statement filed on 10/05/2004
- U.S. Basic National Fees filed on 10/05/2004
- Priority Documents filed on 10/05/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/510,353                  | PCT/EP03/03551                | H 2293US         |

FORM PCT/DO/EO/905 (371 Formalities Notice)